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## Researching Georgia Law (1998 Edition)

Nancy P. Johnson

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# GEORGIA STATE UNIVERSITY LAW REVIEW

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## RESEARCHING GEORGIA LAW (1998 Edition)

Nancy P. Johnson<sup>†</sup>  
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## § 1.0 INTRODUCTION

This Article is a reference source for attorneys, paralegals and students interested in improving their research skills in using Georgia legal materials. Legal researchers must have efficient legal research skills. In fact, attorneys have a legal duty to perform reasonable and efficient research.<sup>1</sup> Today, proficient research includes both manual and computer-assisted legal research. As law librarians and legal research instructors, we respond to a myriad of questions from both the academic community and from the practicing bar. In this Article, we hope to impart our knowledge of Georgia legal materials and research techniques to our readers. There may not be a best source or a right method, but there are definitely a variety of sources and systematic methods of doing research.<sup>2</sup>

## § 2.0 CONSTITUTIONAL LAW

Georgia's present constitution, adopted November 1982 and effective July 1983, is the latest of eleven constitutions, with the

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1. See, e.g., *Smith v. Lewis*, 530 P.2d 589 (Cal. 1975); *People v. Yoakum*, 552 P.2d 291 (Colo. 1976); *Nebraska State Bar Ass'n v. Holscher*, 230 N.W.2d 75 (Neb. 1975).

2. See generally ROBERT C. BERRING, *FINDING THE LAW* (10th ed. 1995); LEAH CHANIN & SUZANNE L. CASSIDY, *GUIDE TO GEORGIA LEGAL RESEARCH AND LEGAL HISTORY* (1990); MORRIS L. COHEN ET AL., *HOW TO FIND THE LAW* (9th ed. 1989); PAUL T. HARDY, *HOW TO FIND AND ACCESS GEORGIA LAW* (1993); J. MYRON JACOBSTEIN ET AL., *FUNDAMENTALS OF LEGAL RESEARCH* (6th ed. 1994); CHRISTINA L. KUNZ ET AL., *THE PROCESS OF LEGAL RESEARCH* (4th ed. 1996) (all titles provide in-depth information on legal research).

first one written in 1777. It is a new constitution, entirely superseding and repealing previous constitutions. The 1983 Constitution was drafted under the supervision of the Select Committee on Constitutional Revision.<sup>3</sup> The 1983 Constitution is more concise than the 1976 Constitution. It is better organized and uses simple modern English in place of archaic and cumbersome terminology.<sup>4</sup>

To locate the text of the current constitution, including annotations to decisions, opinions of the attorney general, citations to law review articles, and citations to comparable 1976 provisions, use volume 2 of the *Official Code of Georgia Annotated* (O.C.G.A.) and Title 2 (Books 1A and 1B) of the *Code of Georgia Annotated* (Ga. Code Ann.). These sources also include historical notes referring to the presence or absence of similar provisions in earlier documents that may be useful for research purposes. Tables comparing each provision of the earlier constitutions (1877, 1945, and 1976) to the 1983 Constitution and the reverse are published in Volume 41 of O.C.G.A. and in Books 1A and 1B of Ga. Code Ann. The Georgia Constitution is also available on LEXIS in the CONST file of the Georgia library and on WESTLAW in the GA-ST and GA-ST-ANN databases. Internet researchers can also find the Georgia Constitution on Emory Law School's web site at <http://www.law.emory.edu/GEORGIA>. This site contains the full text of Georgia's constitution with a searchable index. The Georgia Constitution is available on the following CD-ROM products: Darby's Georgia Law on CD-ROM, Georgia LawDesk (Lawyers Cooperative Publishing), Michie's Georgia Law on Disc, and West Georgia CD-ROM.

Article X of the Georgia Constitution stipulates the amendment procedures.<sup>5</sup> You can find resolutions of the General Assembly proposing amendments to the Georgia Constitution in the session laws, *Georgia Laws*. Once the amendments are approved, the text is incorporated into the body of the constitution.

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3. See generally State of Georgia, Select Committee on Constitutional Revision, Transcripts of Meetings, 1977-1981 (discussing background information on the 1983 Constitution).

4. See George D. Busbee, *An Overview of the New Georgia Constitution*, 35 MERCER L. REV. 1, 4 (1984).

5. See GA. CONST. art. X, § 1 (Paragraph 2 provides for the publication of amendments).

Some legal research projects may require reviewing the earlier constitutions. Chanin's *Guide to Georgia Legal Research and Legal History* describes the prior constitutions in extensive detail.<sup>6</sup>

As with federal constitutional research, judicial interpretation of the Georgia Constitution is voluminous. Paragraphs of court decisions and Attorney General opinions interpreting the Georgia Constitutions of 1945, 1976, and 1983 are available in the *Official Code of Georgia Annotated* and the *Georgia Code Annotated*. You can find Georgia and federal cases citing the constitution under the article and section in *Shepard's Georgia Citations*. You also can use WESTLAW, LEXIS, and CD-ROM products as a citator by entering the citation of the constitution or the key terms. Additionally, cases are abstracted under the topic "Constitutional Law" in the *Georgia Digest* and secondary material can be found in the two legal encyclopedias, *Georgia Jurisprudence* and the *Encyclopedia of Georgia Law*.

Although citing the constitution by a code reference to O.C.G.A. or Ga. Code Ann. would be more convenient, rather than by article, section, and paragraph, it is, nonetheless, necessary to cite in a cumbersome fashion since the Constitution of 1983 has never been officially codified.<sup>7</sup> Therefore, the correct citation format for the current Georgia Constitution is, for example, GA. CONST. art. I, § 9, ¶ 20.

### § 3.0 STATUTORY LAW

Finding a statute in Georgia is a simple task. Georgia has two annotated codes, the *Official Code of Georgia Annotated* (O.C.G.A.), published by the Michie Company, and the *Georgia Code Annotated* (Ga. Code Ann.), published by the Harrison Company. You will most likely have access to the *Official Code of Georgia Annotated* since it is the code sanctioned legislatively as official.<sup>8</sup>

Until the early 1980's, Harrison had published the only code, *Georgia Code Annotated* (commonly referred as the Code of 1933).

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6. See CHANIN & CASSIDY, *supra* note 2, at 7-24. The text of the early constitutions can be located in several sources in larger law libraries, with the unannotated version of the 1877 Georgia Constitution found in the *Georgia Code Annotated*.

7. See *Wiggins v. State*, 249 Ga. 302, 303, 290 S.E.2d 427, 428 (1982).

8. See O.C.G.A. § 1-1-1 (1990).

However, in 1976 the Code Revision Study Committee recommended a complete revision of the code.<sup>9</sup> In 1977, the General Assembly created a Code Revision Committee to initiate work on a new code for Georgia.<sup>10</sup> The legislature contracted with the Michie Company to work with the state in preparing a new official code. During a special session in 1981, the General Assembly adopted the results of this effort, the *Official Code of Georgia Annotated*.<sup>11</sup> The code became effective November 1, 1982.

Consequently, Georgia has two codes, the *Official Code of Georgia Annotated* and the unofficial *Georgia Code Annotated*.<sup>12</sup> The two codes use different numbering systems and attorneys are cautioned to cite to the official code (O.C.G.A.).<sup>13</sup>

### § 3.1 The Official Code of Georgia Annotated

The *Official Code of Georgia Annotated*, often called the Code of 1981, is divided into major subject areas called titles. The titles are further subdivided into component chapters that, in turn, are further divided into Code sections. It is the Code section that contains the actual language of the law. The proper citation format would read, for example, O.C.G.A. § 20-2-16 (date).<sup>14</sup>

Local and special acts are not codified and appear only in the session laws, *Georgia Laws* (however, the local and special acts are indexed in volume 42 of O.C.G.A.). Therefore, O.C.G.A. includes only laws of general applicability. Following each Code section in the O.C.G.A., you will find notes on the history and source of the law. A history line traces the Code section back to its origin. The history may include a citation to a prior code or a separate act. If a related law would prove useful, the Code will cross reference the law to correlated Georgia or federal law. The

9. See 1976 Ga. Laws 739.

10. See 1977 Ga. Laws 922, *as amended*, 1978 Ga. Laws 230.

11. See 1981 Ga. Laws, Ex. Sess. 8.

12. See generally *Harrison Co. v. Code Revision Comm'n*, 244 Ga. 325, 260 S.E.2d 30 (1979) (explaining an unsuccessful attempt by the Harrison Company, in a suit against the Code Commission, to halt publication of the Code by the Michie Company).

13. See *Georgia v. Harrison*, 548 F. Supp. 110, 114-115 (N.D. Ga. 1982), *vacated*, 559 F. Supp. 37 (N.D. Ga. 1983).

14. O.C.G.A. § 1-1-8 (1990). The citation format required by the courts as stated in O.C.G.A. differs from the citation format required in *THE BLUEBOOK, A UNIFORM SYSTEM OF CITATION* 181 (16th ed. 1996).

Code contains annotations or brief summaries of Georgia and federal cases construing Georgia law. Each note concludes with the name of the case and parallel citations. Additionally, the Code includes: various editorial enhancements, including annotations to the opinions of the Georgia Attorney General; references to Georgia's law reviews and bar journal; references to the legal encyclopedias; *American Jurisprudence* (Am.Jur.) and *Corpus Juris Secundum* (C.J.S.); references to *Uniform Laws Annotated* (U.L.A.); and citations to *American Law Reports* (A.L.R.).<sup>15</sup>

There are several ways to locate a relevant Code section. If you are looking for a law and know the subject matter, use the two-volume softbound annual index titled General Index or the index at the end of each title. Each provision of the Code must be cited in at least two general index entries.<sup>16</sup> A very slim Short Title Index in the General Index contains popular or common names of acts, for example, the Lemon Law. An additional index, titled Local and Special Laws Index, lists such laws enacted since 1730. If you are already familiar with the contents of the Code, you may prefer to bypass all indexes and go directly to a particular title and use the list of Code sections. The O.C.G.A. is also available on LEXIS in the Georgia library CODE file and on WESTLAW in the GA-ST-ANN database (annotated statutes) and the GA-ST database (unannotated statutes). The following are a few representative CD-ROM products that include the Code; however, expect to see many more titles in the future: Darby's Georgia CD-ROM product, titled *Georgia Law on CD-ROM*, includes, among other materials, the official Code; Michie's Georgia CD-ROM product, titled *Georgia Law on Disc*, includes the O.C.G.A. with case law annotations; *Georgia LawDesk*, published by Lawyers Cooperative Publishing, also offers the official code on compact disc; another company, LOIS, also offers O.C.G.A. on the Law Office Information Systems, Inc. (LOIS) Professional Library: Georgia. West's CD-ROM product is called *Official Code of Georgia Annotated*, which includes the code, annotations, and index. Internet researchers can also use O.C.G.A. on GeorgiaNet at <http://www.ganet.org>. Maintained by the GeorgiaNet Authority, access to O.C.G.A. is free. It includes

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15. See Terry A. McKenzie, *The Making of a New Code*, 18 GA. ST. B.J. 102 (1982).

16. See *id.* at 104.

the full text of the current Code, and you can search it by keyword or code citation; however, it does not include the annotations. For a fee, Internet researchers can use O.C.G.A. on LOIS Law Library (Law Office Information Systems, Inc.) at <http://www.pita.com>.

When you have a citation to the *Georgia Code Annotated* (easily recognized by two numbers separated by a hyphen) and your library has only the *Official Code of Georgia Annotated*, you can convert the citation by using the Tables volume in O.C.G.A. The Tables volume (volume 41) includes conversion charts from Ga. Code Ann. (labeled 1933 Code) to O.C.G.A. (labeled 1981 Code) and the reverse. Another table allows you to translate a session law citation in *Georgia Laws* to the appropriate O.C.G.A. cite. The Tables are especially helpful when you want to do a WESTLAW or LEXIS search to retrieve older cases using the Code numbers. To retrieve Georgia cases with a citation before 1982 use the cite to the *Georgia Code Annotated*.

Updating your code citation is a very straightforward proposition. Each volume of O.C.G.A. has an annual pocket part for updating statutory provisions. However, since Michie issues the pocket parts during the summer and the legislative session extends from January to March, there will be a few months when a new law or amendment is not yet included (note that most laws go into effect on July 1 of each year). To fill the gap between the annual pocket part and the recently enacted laws, use either the *Georgia Laws*,<sup>17</sup> the GA-LEGIS database on WESTLAW or the Advance Legislative Service (ALS file in the Georgia library) on LEXIS. These online services contain laws passed during the current or most recent sessions. GeorgiaNet (<http://www.ganet.org>) includes bills signed by the Governor and bills vetoed by the Governor. New Acts can also be found at LOIS on CD-ROM and on the Internet for a fee (<http://www.pita.com>). Some CD-ROM titles do not contain the new laws until the release of the September or October disc.

To find new references for interpreting cases, use the *Advance Annotation Service*. These cumulative pamphlets, published by Michie, supplement the annual pocket parts of O.C.G.A. with new notes to judicial decisions, opinions of the Attorney General, and other research references. This service does not carry the

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17. See *infra* § 3.3 (describing *Georgia Laws*).



text of the new laws, just new annotations. Of course, consult the online services for the most recent interpretive decisions for statutes.

### § 3.2 *The Georgia Code Annotated*

The unofficial *Georgia Code Annotated*, published by the Harrison Company, consists of 114 titles and is often entitled Code of 1933 in various indexes and publications. It uses a unique numbering system of two numbers separated by a hyphen, for example, Ga. Code Ann. § 43-3323 (Harrison 1986). The *Georgia Code Annotated* includes both statutory and nonstatutory materials. Possibly the most widely used nonstatutory materials are the State Bar materials, including the Code of Professional Responsibility, located in the Appendix to Title 9 (Book 4). Additionally, some lawyers prefer the annotations in the Ga. Code Ann. because they are comprehensive and include additional references to Harrison's treatises.<sup>18</sup> The *Georgia Code Annotated* is also available on CD-ROM from the Harrison Company.

You can update the information in *Georgia Code Annotated* by using the annual pocket parts. To update the pocket part, use the *Advance Codification Service*. This pamphlet publication, published by Harrison, includes the statutes as passed in the current session of the General Assembly in a codified arrangement. Included in this service is a helpful cumulative table of Ga. Code Ann. sections affected by current legislation. Another publication, the *Advance Annotation Service*, also published by Harrison, includes a digest of the latest Georgia appellate court decisions and the opinions of the Attorney General arranged under the Ga. Code Ann. citation.

### § 3.3 *Session Laws*

Occasionally, your research will require the statutory language as the General Assembly originally legislated it.<sup>19</sup> Or you may require a repealed law that has been deleted from the Code. You

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18. See *infra* § 8.0 (listing treatises).

19. See *Stewart v. State*, 246 Ga. 70, 72, 268 S.E.2d 906, 909 (1980) ("The constitutionality of an act of the General Assembly must be determined by examination of its act (as it existed at the time of the alleged offense), not by examination of an isolated section of the annotated code.").

also may want a law shortly after enactment. In Georgia, most acts approved during the legislative session from January through mid-March become effective on the first day of July, unless the General Assembly specifies a different effective date in the act.<sup>20</sup> Current laws and resolutions, exactly as enacted by the General Assembly, are first published by the Secretary of State in red, softbound advance sheets titled *Georgia Laws*.<sup>21</sup> Besides the printed format, current session laws are also available on WESTLAW and LEXIS. WESTLAW includes a current legislative service in its GA-LEGIS database and on LEXIS in the ALS file of the Georgia library. Internet researchers can locate new laws on GeorgiaNet (<http://www.ganet.org>) or on fee-based LOIS (<http://www.pita.com>).

These laws, besides their texts, include the number of the Senate or House bill. As enacted, acts contain a preamble to the act that serves as a “purpose” clause that can be useful in determining the legislature’s intent.<sup>22</sup> The bills themselves may prove useful in research, particularly in tracing the language of the amendments.

Eventually, the materials in the advance sheets are consolidated into two annual, bound volumes, also titled *Georgia Laws*. One volume contains general laws, resolutions, and proposed amendments to the Constitution of Georgia and the second volume includes local laws, special laws, and resolutions.<sup>23</sup> Besides a topical index, a very useful table in *Georgia Laws* allows you to learn whether a statutory section in O.C.G.A. has been amended, reversed, renumbered, or repealed in that session. If you recall our discussion of the annotated Codes, directly following the text of the statute, you will locate citations to the acts in *Georgia Laws* that created or amended a section of the Codes.

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20. See O.C.G.A. § 1-3-4 (1990).

21. Contact the Secretary of State’s Administrative Division (404/656-2899) for advance sheets. Copies of recently enacted statutes can be requested without charge from either the House Clerk’s Office (404/656-5015) or from the Secretary of the Senate (404/656-5040), or, for a photocopy fee, from the Secretary of State’s Election Division (404/656-2871).

22. See *Proo v. State*, 192 Ga. App. 169, 384 S.E.2d 197 (1989), *cert. denied*, 493 U.S. 1071 (1990).

23. Purchase hardbound session laws from the Administrative Division of the Secretary of State (404/656-2899).

When interested in the summaries of legislative activity, use the pamphlet titled, *Summary of General Statutes Enacted at the 19XX Session of the General Assembly of Georgia*, that summarizes laws during the session that have statewide application.<sup>24</sup>

### § 3.4 Uniform Laws

Georgia has adopted several uniform laws promulgated by the National Conference of Commissioners on Uniform State Laws. Interpretations from other state courts that have adopted the uniform law may be valuable as persuasive authority. You can find such information in West's *Uniform Law Annotated* (U.L.A.). U.L.A. includes the text of each uniform law approved by the Commissioners, with each section of the Act followed by the Commissioners' comments, notes pointing out textual differences in adopting jurisdictions, citations to secondary sources and digests of federal and state court decisions that have cited that section. A table is printed immediately preceding the text of each uniform act showing the states that have adopted the Act and the citation to the state law. You can identify the uniform laws by looking under the heading "Uniform Laws" in the indexes of the O.C.G.A. and the Ga. Code Ann., or in the Directory of Acts and Tables of Adopting Jurisdictions, a pamphlet published with *Uniform Laws Annotated*. Online searchers can also find the U.L.A. on both WESTLAW and LEXIS.

### § 3.5 Statutory Citators

Once you have found statutory language, searching for judicial decisions that have interpreted the statute is advisable. Possibly, the courts can clarify ambiguous statutory language. In any case, once a court interprets a statute, the interpretation itself becomes an integral part of the statute.<sup>25</sup> As discussed earlier, one of the easiest places to locate decisions that have interpreted statutes is in the annotations of the O.C.G.A. or the Ga. Code Ann. You also can consult *Shepard's Georgia Citations*. The statutory unit of *Shepard's Georgia Citations* shows all instances in which provisions of the *Georgia Code Annotated* (titled Code of Georgia of 1933—Georgia Code Annotated) and the *Official Code*

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24. Contact the Office of Legislative Counsel for a copy (404/656-5000).

25. See *Jones v. Swett*, 244 Ga. 715, 717, 261 S.E.2d 610, 612 (1979).

of *Georgia Annotated* have been cited by Georgia and federal courts. To be comprehensive in your search for case law, check under both the O.C.G.A. and the Ga. Code Ann. citation. Cases that cite a repealed law can be found in *Shepard's Georgia Citations* under the citation for the original session law in the *Georgia Laws* section.

Shepard's arranges citations in the statute edition by statutory section or subsection. The first set of citations refers you to amendments or repeals by the General Assembly. Following the history citations are lists of Georgia and federal cases citing the code sections analyzed as to their constitutionality or validity. Next is a list of cases that cited the statute. Finally, there is a section of citations to legal periodicals and texts. Note that Shepard's uses its own unique abbreviations. A table of these abbreviations appears at the beginning of every volume of Shepard's.

Shepard's statutory citations for Georgia are on LEXIS. You may also use WESTLAW or LEXIS as a citator. Simply enter the section number (with the hyphens) in any of the case files to locate references on how a court might refer to or interpret a statute. For a fee, you can "LOISize" a statute on LOIS on the Internet or on CD-ROM. By entering the code citation in the Georgia case library, you will see how a court construed a statute.

### § 3.6 Bills, Journals and Other Legislative Documents

A brief review of the legislative process and the documents connected with the process is helpful before discussing legislative history research.<sup>26</sup> The annual legislative session begins the second Monday in January and lasts forty legislative days, usually adjourning in mid-March. When legislation is proposed in Georgia, its first written form is a bill or resolution. Legislators may introduce a bill in either house of the General Assembly. Bills to raise money or spend money are the exceptions. By law, legislators must introduce these bills in the House.<sup>27</sup> Bills considered by the General Assembly are classified as either

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26. Examples of such reviews include EDWIN L. JACKSON & MARY E. STAKES, *HANDBOOK FOR GEORGIA LEGISLATORS* (11th ed. 1994) (discussing laws, procedures and practices that govern the legislative process in Georgia) and A SCENE FROM THE GALLERY (available at Georgia House of Representatives, 404/656-5015).

27. See GA. CONST. art. III, § 5, ¶ 2.

general, local, or special in their application. According to the Georgia Constitution, general laws have uniform operation throughout the state and no local or special law may pass in subject areas covered by a general law.<sup>28</sup> Local acts, which make up a high percentage of the bills passed, apply to a specific municipality or county.<sup>29</sup> A special law, although rarely enacted, is one that affects a limited area or class.<sup>30</sup>

After the first reading, the presiding officer assigns a bill to a standing committee. Then, the bill must be read two additional times, with each reading on a separate day, before the legislators can vote on it.<sup>31</sup> After the third reading, all the members of a house may debate it, and offer amendments from the floor. Once the House or Senate votes on the bill, one house sends it over to the other house for the same journey. If there are disagreements over the language, the members of the conference committee work on the bill. After both houses pass the same version of a bill, it is enrolled, and sent to the governor for approval.<sup>32</sup>

The House and Senate Status Sheets consist of the daily compilation of several documents that taken together is a fairly comprehensive tracking service. After a bill has been filed in either the House or the Senate, it is read for the first time by its title to either the full House or the full Senate. It is then referred to a committee. A digest is prepared for each legislative day of those bills that have been read for the first time. The digests are called "First Readers." First Readers include the bill number and title, the names of the legislators, and the committee to which they have assigned the bill. The daily status sheets list floor and committee action taken the previous day and the composite status sheets show the entire history of each bill.<sup>33</sup> There are several alternative bill tracking systems available.<sup>34</sup>

28. *See id.* § 6, ¶ 4(a).

29. *See id.* art. IX, § 2, ¶ 1.

30. *See Lasseter v. Georgia Pub. Serv. Comm'n*, 253 Ga. 227, 229, 319 S.E.2d 824, 827 (1984).

31. *See GA. CONST.* art III, § 5, ¶ 7.

32. Copies of recent bills are available from the Clerk of the House (404/656-5015) or the Secretary of the Senate (404/656-5040). Older bills are available in microform from the Clerk of the House and the Secretary of the Senate. The Senate's files date back to 1969 and the House's files begin in 1979. Paper copies are available from the microform. The State Archives (404/656-2393) is the only source for very old bills.

33. Contact the Clerk of the House (404/656-5015) or the Secretary of the Senate (404/656-5040) for the Status Sheets.

34. To find the status of legislation, contact the House Public Information Office, 1-

Additionally, a Georgia bill tracking service is available on WESTLAW in the GA-BILLTRK database and on LEXIS in the GATRCK file of the Georgia library. These databases contain bill summaries and status information concerning pending and recently-passed bills in Georgia, while separate files are available for all other states. Internet researchers can find the full text of bills from the current legislative session on GeorgiaNet at <http://www.ganet.org>. The bills can be searched by keyword, bill number, resolution number, date, Code section, committee, author, or sponsor. The State of Georgia's web site at <http://www.state.ga.us> includes the full text of House and Senate bills and first readers. Researchers can search by bill number, resolution number, author, committee or sponsor. Searchers can also track the status of bills. For a nominal fee, on GeorgiaNet's Lobbyist-In-A-Box (<http://www.ganet.org>), you can create a list of bills to monitor and receive status reports. Also, on GeorgiaNet, for a fee, there is a Daily Press Pack that includes the composites, First Readers, status sheets, calendars, and the bills from the previous day.

In Georgia, the *Journals* are the sole official records of the proceedings of each house.<sup>35</sup> In each House and Senate *Journal*, you will find the authors of every measure considered by a house, the dates of the readings of the measure, the name and date of committee assignments, and the committee recommendation on each bill or resolution reported out of the committee. Unfortunately, the *Journals* do not contain the text of bills and resolutions, however, they do include the committee or floor amendments and substitutes to a measure. The *Journals* report votes on all motions and on the final passage of bills or resolutions.<sup>36</sup> They do not record individual floor remarks and debates. Though the *Journals* do not include debates, the Georgia courts may review events that occurred during the legislative process of a bill by referring to the House and Senate *Journals*.<sup>37</sup>

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800-282-5800 (within Atlanta, 404/656-5082) and the Senate, 1-800-282-5803 (within Atlanta, 404/656-0028). For a recorded message of daily events during the session, dial 1-800-282-5801 for the House and 1-800-282-5802 for the Senate.

35. See GA. CONST. art. III, § 5, ¶ 1.

36. The bound House and Senate Journals are available from the Office of Secretary of State (404/656-2899).

37. See, e.g., *Sharpe v. Lowe*, 214 Ga. 513, 516, 106 S.E.2d 28, 32 (1958); *Stanley v. Sims*, 185 Ga. 518, 195 S.E. 439 (1938).

Committees or commissions rarely record hearings. The Georgia Tax Reform Commission and the Criminal Code Revision Commission are among these rarely recorded hearings. In these infrequent situations, a deposit copy is available at the Department of Archives and History.

Both legislative and conference committees are involved in the legislative process. There are legislative committees to which bills are referred after the bill's first reading. Conference committees attempt to resolve disagreements between the House and Senate proposed legislation. Although both legislative and conference committees make reports to the House and Senate, they do not publish such reports, except noting them in the House and Senate *Journals*. These reports are single sentences stating that the committee has considered the legislation, and recommended that the legislation pass as introduced or as modified, or that the legislation not pass. Other types of committees include study committees, ad hoc committees, and interim committees. These committees study situations for new legislation.<sup>38</sup>

### § 3.7 Legislative Histories

Georgia courts determine the meaning of a statute by referring to its actual language.<sup>39</sup> Statutory language stipulates that when construing statutory enactments, the courts must look diligently for the intention of the General Assembly in passing them "keeping in view at all times, the old law, the evil, and the remedy."<sup>40</sup> The courts have ruled that such intent should come from the language of the statute.<sup>41</sup> Consequently, there is a need for plain and unequivocal language. Professor R. Perry Sentell explains in his article, *Georgia Statutory Construction: The Use of Legislative History*, how the Georgia Supreme Court accepts the use of the term "legislative history" within a broad range of contexts.<sup>42</sup>

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38. Study committee reports and ad hoc committee reports may be obtained from either the Clerk of the House (404/656-5015) or the Secretary of the Senate (404/656-5040).

39. See, e.g., *Burnam v. Wilkerson*, 217 Ga. 657, 658, 124 S.E.2d 389, 391 (1962); *Williamson v. Lucas*, 171 Ga. App. 695, 320 S.E.2d 800 (1984).

40. O.C.G.A. § 1-3-1(a) (1990).

41. See, e.g., *Lunda Const. Co. v. Clayton County*, 201 Ga. App. 106, 107, 410 S.E.2d 446, 447 (1991).

42. See R. Perry Sentell, Jr., *Statutory Construction: The Use of Legislative History*,

In Georgia, possibly the most accessible sources of legislative intent are the bills and amendments introduced in the General Assembly. Floor debates are not transcribed, nor do the committees issue written legislative committee reports.

If the interpretation of the meaning, or the validity, of any statute becomes necessary due to ambiguous wording, vagueness, uncertain legislative intent, conflicts with other laws, or questionable constitutionality, Georgia law imposes upon the courts sole responsibility for construction of statutes.<sup>43</sup> To discern legislative intent, researchers may review events that occurred during the legislative process of a particular statute's enactment by using the *Journals* of the General Assembly.<sup>44</sup>

Under the enrolled bill rule in Georgia, a duly enrolled act, authenticated by the presiding officer of each house, approved by the Governor, and deposited with the Secretary of State, will be conclusively presumed by the courts to have been enacted according to constitutional requirements.<sup>45</sup>

If you are attempting to uncover the intent of the legislature, begin your search with the O.C.G.A. The Code provides citations to the *Georgia Laws* that created or amended the section. The session laws may include statements of purpose that may prove useful in determining intent. The original bill, with its amendments, also may provide insight into the intent of the legislative body.<sup>46</sup>

Notwithstanding all the arguments against investigating the extraneous matters surrounding the statute's passage, there is still substantial interest in legislative history materials. A popular source of legislative history materials is the Review of Selected 19XX Georgia Legislation in the *Georgia State University Law Review*.<sup>47</sup> The Review, known as the "*Peach Sheets*™," began in 1985 and presents a well-documented history of a particular piece of legislation. The research includes an

Ga. B.J., Apr. 1996, at 30.

43. See *McLeod v. Burroughs*, 9 Ga. 213, 216 (1851).

44. See, e.g., *Sale v. Leachman*, 218 Ga. 834, 836, 131 S.E.2d 185, 188 (1963); *Sharpe v. Lowe*, 214 Ga. 513, 106 S.E.2d 28 (1958).

45. See, e.g., *Thompson v. Talmadge*, 201 Ga. 867, 41 S.E.2d 883 (1947); *Williams v. MacFeeley*, 186 Ga. 145, 197 S.E. 225 (1938); *Atlantic Coast Line R.R. v. State*, 135 Ga. 545, 69 S.E. 725 (1910).

46. See *supra* § 3.6 (stating location for text of bills and amendments).

47. For subscription information, call the *Georgia State University Law Review* (404/651-2047).



analysis of the reasons for the bill's introduction, the pressures on the bill during its course through the General Assembly, and the public perceptions at the time the bill was being considered. Research is done through personal interviews, analysis of prior statutory and case law, identification of the various changes the bill went through during the legislative process, and identification of public perceptions as revealed by newspaper accounts of the legislative activity. You can find the Acts in the *Peach Sheets* by the Table of Code Sections Affected and an Index of Bills.

Another possible source of legislative history materials is the *Annual Survey of Georgia Law* in the *Mercer Law Review*. The Survey, published since 1950, covers the standard topic areas and frequently includes special contributions discussing current issues. The articles on legislation include intent discussions and background information on the legislative process.

You may enjoy viewing the legislative session on Georgia Public Television (WGTV). The program, *Lawmakers*, airs in the evenings during the legislative session and includes coverage of the session supplemented by interviews and analyses. Video tapes of this program are not available at present.

### § 3.8 Ordinances

It is important to understand that in Georgia, numerous cities and nearly 160 counties exercise legislative function. The State grants counties and municipalities some measure of control by home rule. Under the Constitution, Georgia has granted to its cities and counties a great degree of self-governing power.<sup>48</sup>

In Georgia, there are two types of city and county laws, resolutions and ordinances. The courts have defined a resolution as dealing with matters of special or temporary character,<sup>49</sup> for example, designating a day to honor a dignitary. An ordinance is legislation that deals with an ongoing situation in the city or county and sets a permanent rule or law,<sup>50</sup> for example the licensing of the sale of alcoholic beverages. Most of the highly populated cities and counties have published codifications or

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48. See GA. CONST. art. IX, § 2, ¶¶ 1, 2. The Georgia Constitution gives the county government authority the power to enact "clearly reasonable" local laws and rulings. *Id.* ¶ 1.

49. See *Allen v. Wise*, 204 Ga. 415, 416, 50 S.E.2d 69, 71 (1948).

50. See *id.*

compilations of their ordinances. When not codified, you can obtain county and city ordinances directly from the clerk's office. City and county ordinances are being added to the Internet by the Municipal Code Corporation at <http://www.municode.com>. Currently, the ordinances from Atlanta, DeKalb County, Gwinnett County, and other counties are on the Municipal Code web site. Cases interpreting and applying Georgia ordinances, and those of other states, may be found in the multi volume *Shepard's Ordinance Law Annotations*, a set arranged by subject headings rather than by jurisdiction.

## § 4.0 ADMINISTRATIVE LAW

### § 4.1 Rules and Regulations

The 1964 Georgia Administrative Procedure Act largely prescribes the procedures used by agencies in both rule making and adjudication.<sup>51</sup> For researchers to locate an agency's rules, the Act requires the Secretary of State to "compile, index, and publish all rules adopted by each agency."<sup>52</sup> You should be aware that not all agency regulations are published in the compilation. In the Administrative Procedure Act, there are express exemptions from the statutory definition of "agency."<sup>53</sup> The Secretary of State compiles rules and regulations issued by agencies and boards in Georgia in the multi-volume looseleaf set, *Official Compilation Rules and Regulations of the State of Georgia* (cited, for example, Ga. Comp. R. & Regs. r. 160-4-2 (1990)). In this set, the regulations are arranged alphabetically by agency, with each agency assigned a control number. The

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51. O.C.G.A. §§ 50-13-1 to -22 (1994 & Supp. 1997).

52. *Id.* § 50-13-7(a) (1994).

53. *Id.* § 50-13-2 (Supp. 1997). The Act identifies specific offices and entities that are exempt from the coverage of the Administrative Procedure Act: the General Assembly, the judiciary, the Governor, the State Board of Pardons and Paroles, the State Financing and Investment Commission, the State Properties Commission, the Board of Bar Examiners (although their rules are published in Ga. Code Ann.), the Board of Corrections (although their rules are published in the *Official Compilation*), the State Board of Workers' Compensation (although their rules are published in O.C.G.A. and Ga. Code Ann.), all public authorities, the State Personnel Board (Merit System), the Department of Administrative Services, the Department of Technical and Adult Education, the Department of Revenue in some instances, educational (although the Department of Education procedural rights are codified in the *Official Compilation*), eleemosynary or charitable institutions, and any agency when its action concerns the military or naval affairs of the state. *See id.*

rule's history follows each rule, identifying the filing, amendment or repeal of each rule.

This compilation is in need of an index. Unfortunately, there is no current index to the rules. In 1985 the Harrison Company published the *Index to the Official Compilation*, and a supplement in 1987, both compiled by Reynold J. Kosek; however, this index has ceased publication. If you have a citation to O.C.G.A. or Ga. Code Ann. and need a regulation that implements a law, you may be able to locate the regulation by using the cross-reference tables in the *Rules and Regulations of the State of Georgia Tables* volume compiled in 1988 by Kosek and published by the Harrison Company. Unfortunately, O.C.G.A. and Ga. Code Ann. do not provide citations to regulations promulgated under statutory provisions.

If you cannot locate a regulation in the *Official Compilation of Rules and Regulations*, look in the indexes to the O.C.G.A. or the Ga. Code Ann. for the texts of a few administrative rules published in the codes. For some regulations, the agencies themselves may be the only source of the regulation.<sup>54</sup> An alternate approach is to examine WESTLAW and LEXIS, for these services are continuously adding new state regulations to their databases. The Georgia Administrative Code is on LEXIS in the GAADMN file of the Georgia Library. Also, on LEXIS, the Georgia Secretary of State Rules and Regulations are in the GATAX file of the Georgia Library. The LEXIS GARGTR file in the Georgia library includes regulation tracking from 1990. On WESTLAW, the Administrative Code is in the GA-ADC database. On WESTLAW, Environment, Health and Safety regulations are in the ENFLEX-GA file and the Insurance Code is in the GAIN-ADC database. The Georgia Regulation Tracking database (GA-REGTRK) on WESTLAW contains summaries and status information on pending regulations and those regulations adopted within the last few years. On CD-ROM, you can find the administrative code on West's *Georgia Cases*, LOIS Law Library on CD-ROM, Georgia LawDesk (Lawyers Cooperative), and Michie's Georgia Law on Disc. On the Internet, you can find the code at <http://www.ganet.org> and on the LOIS web site (for a fee) at <http://www.pita.com>. On GeorgiaNet (<http://www.ganet.org>),

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54. See generally EDWIN L. JACKSON & MARY E. STAKES, HANDBOOK OF GEORGIA STATE AGENCIES (2d ed. 1988) (describing state agencies within the executive, legislative, and judicial branches).

individual chapters are loaded; however, all chapters will eventually be available on this web site.

Currently, there is no way to shepardize a Georgia regulation for cases that have interpreted rules. The most effective way to uncover cases that have construed rules is to search for a specific rule number or key term on WESTLAW, LEXIS or LOIS (<http://www.pita.com>).

#### § 4.2 *Administrative Decisions*

Beyond writing rules, agencies issue opinions. The Georgia Administrative Procedure Act requires each agency to render decisions in contested cases, including findings of fact and rulings, and to maintain a publicly available file of decisions, final orders, and opinions.<sup>55</sup>

In reality, except for the opinions of the Georgia Attorney General, few administrative decisions are published. In fact, there are probably less than ten agencies that report administrative decisions. However, many state records are available for inspection under the Georgia Open Records Act.<sup>56</sup> Under this Act, all public records are open to inspection unless closed by a specific exception.<sup>57</sup> Likewise, the Open Meetings Act assures the public's access to information.<sup>58</sup> To locate an administrative decision, check either the agency itself or the online systems. A brief description follows of those publications and online services that regularly publish Georgia administrative decisions.

Georgia environmental law administrative decisions are on WESTLAW in the GAENV-ADMIN database and on LEXIS in the GAENV file. The Board of Natural Resources releases these decisions dating from 1983 on WESTLAW and from 1973 on LEXIS. Another agency, the Department of Banking and Finance publishes a monthly *Bulletin* of its administrative matters. Further, the *Georgia Insurance Department Official Bulletin* and the *Georgia Regulations*, published by the National Insurance Law Service Publishing Company (NILS), include directives, bulletins, and regulations of the Department of Insurance. Online

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55. See O.C.G.A. §§ 50-13-3, -13 (1994).

56. *Id.* §§ 50-18-70 to -75.

57. See *id.* § 50-18-70(b).

58. *Id.* § 50-14-1.

sources for the Georgia Department of Insurance include LEXIS' INSRLW library and WESTLAW's GA-INSUR database. The *Public Utilities Reports* includes the Georgia Public Service Commission decisions. WESTLAW's GA-PUR database is an online version of Georgia administrative and court cases published in the *Public Utilities Report*. Additionally, the Secretary of State Commissioner of Securities decisions can be found on LEXIS in the GASEC file of the Georgia library. Finally, Commerce Clearing House (CCH) notes the Georgia Board of Tax Appeals' rulings in CCH's *Georgia Tax Reporter*. As more agency information is added to the Internet, you may want to check the State of Georgia's web site at <http://www.state.ga.us>.

### § 4.3 Attorney General Decisions

Under the constitution, the Georgia Attorney General acts as the legal advisor of the executive department, represents the state in the Supreme Court of Georgia in all capital felonies, and, when required by the Governor, represents the state in all civil and criminal cases.<sup>59</sup> Upon request of the Governor, the Attorney General issues opinions on "any question of law connected with the interest of the state or with the duties of any of the departments."<sup>60</sup> The Attorney General has held that his opinions do not have the force and effect of court decisions.<sup>61</sup> These opinions are binding upon the recipient unless reversed by a conflicting judicial decision or unless legislative action makes them inapplicable. In Georgia courts, opinions of the Georgia Attorney General are persuasive authority; but not binding.

The Attorney General issues both official and unofficial opinions. Opinions rendered to the Governor or to heads of state departments are designated "official opinions."<sup>62</sup> The official opinions are serially numbered with the last two digits of the year and then a chronological number; the citation appears as 1990 Op. Ga. Att'y Gen. No. 90-2. Unofficial opinions are addressed to other officials on questions involving the general laws of the state. These opinions are informational only and are binding neither on the Attorney General nor on anyone else.<sup>63</sup>

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59. See GA. CONST. art. V, § 3, ¶ 4.

60. O.C.G.A. § 45-15-3(1) (1990).

61. See 1978 Op. Ga. Att'y Gen. 78-32.

62. Foreword to Opinions of the Attorney General, 1990 Op. Ga. Att'y Gen., at ix.

63. See ARTHUR BOLTON, THE ATTORNEY GENERAL OF GEORGIA 6 (1979).

The unofficial opinion numbers are preceded by the letter U, for example, Op. Ga. Att'y Gen. No. U85-24.

The earliest published opinions of the Georgia Attorney General appeared in 1878, but they have recorded the decisions since 1875.<sup>64</sup> The opinions are bound annually in the set titled *Opinions of the Attorney General*.<sup>65</sup> You can locate Georgia Attorney General opinions through the multi-year *Tables and Index to the Opinions of the Attorney General* or in the index to each volume of opinions. The official and unofficial opinions are cited where appropriate in the annotated codes. Monthly, the opinions are abstracted in the *Georgia State Bar Journal* in the column *The Attorney General Says*. Further, opinions are available on LEXIS in the AG file of the Georgia library since 1976 and on WESTLAW in the GA-AG database since 1977. Since these databases include the opinions as released by the state, they are far more current than the bound volumes. On the Internet, you can find Georgia Attorney General opinions at <http://www.ganet.org>. You can find opinions on these CD-ROM products: Georgia LawDesk (Lawyers Cooperative), Michie's Georgia Law on Disc, and West's CD-ROM.

#### § 4.4 Governor's Executive Orders

The Governor has the power to issue executive orders that may support or enforce existing legislation, create commissions whose recommendations ultimately result in new legislation, or otherwise influence the legislative process. The full text of the Governor's Executive Orders can be found on the Internet at <http://www.ganet.org>.<sup>66</sup>

### § 5.0 CASE LAW

#### § 5.1 The Judicial System

Under the Georgia Constitution, there are seven classes of courts. In addition to the supreme court and the court of appeals, judicial power is vested in superior courts, state courts, juvenile

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64. See CHANIN & CASSIDY, *supra* note 2, at 189-92.

65. Request copies of individual opinions from the State Law Library (404/656-3468) and purchase bound volumes from the State Law Department (404/651-9322).

66. Request paper copies of individual executive orders from the Office of the Governor at (404/656-1790).

courts, probate courts, and magistrate courts.<sup>67</sup> The four latter courts are courts of limited jurisdiction. Each of Georgia's 159 counties has at least one superior court, magistrate court, probate court, and where needed, a state court and a juvenile court.<sup>68</sup>

The highest court of review, the Georgia Supreme Court, exercises exclusive appellate jurisdiction in cases involving the construction of a treaty, the state or federal constitution, the constitutionality of a law or ordinance, and election contests.<sup>69</sup> The court also exercises general appellate jurisdiction in cases involving title to land, equity, wills, habeas corpus, extraordinary remedies, divorce and alimony, questions certified to it by the court of appeals, and cases in which the death sentence could be imposed.<sup>70</sup>

A 1906 constitutional amendment established the Court of Appeals of Georgia as a supplementary appellate court.<sup>71</sup> The *Annual Report on the Work of the Georgia Courts* reports the caseload of the various courts.<sup>72</sup> This court exercises appellate and certiorari jurisdiction in all cases not reserved to the supreme court or conferred on other courts.<sup>73</sup> Such cases include civil claims for damages, child custody cases, cases involving workers' compensation and criminal cases other than capital felonies. Although the supreme court has certiorari jurisdiction over all decisions of the court of appeals, such jurisdiction is exercised sparingly and used in cases that are of great public importance.<sup>74</sup>

### § 5.2 Court Rules and Bar Rules

The rulemaking authority of the courts is found in their constitutional powers and in their legislative authority. The Supreme Court of Georgia is specifically given authority to establish, amend, and alter its own rules of practice.<sup>75</sup> Likewise,

67. See GA. CONST. art. VI, § 1, ¶ 1.

68. See *id.* ¶ 6.

69. See *id.* § 6, ¶ 2.

70. See *id.* ¶ 3.

71. See 1906 Ga. Laws 24.

72. See Judicial Council of Georgia and the Administrative Office of the Courts, *Annual Report on the Work of the Georgia Courts*.

73. See GA. CONST. art. VI, § 5, ¶ 3.

74. See *id.* § 6, ¶ 5.

75. See O.C.G.A. § 15-2-8(5) (1994).

the constitution provides that the court of appeals and the lower courts have uniform rules of practice and procedure.<sup>76</sup>

There are several sources of court rules in Georgia. *Georgia Court and Bar Rules*, updated quarterly, published by Lex Publishing Company, is the official manual of rules of the supreme court, the court of appeals and uniform rules of the lower courts.<sup>77</sup> Additionally, it includes the State Bar Rules, the Bar Admission Rules, and the Code of Judicial Conduct. West Publishing Company prints an annual two-volume paper bound set titled *Georgia Court Rules and Procedure—State and Federal*, which includes practice statutes, besides court rules. Because of its comprehensive index, this publication is the most useful. Another convenient location for court rules and case notes is the *Georgia Rules of Court Annotated*, annually published by the Michie Company. A similar source titled *Georgia Court Manual Rules and Regulations Annotated*, published by Darby Printing Company in a looseleaf format, includes court rules, state bar rules, code of judicial conduct, and rules of the judicial qualifications commission. Court rules are also published in the Ga. Code Ann., however, they are not included in O.C.G.A. Of course, the rules of practice and procedure (Civil Practice Act) are found in Title 9 of O.C.G.A. and Title 81A of Ga. Code Ann. The WESTLAW database, GA-RULES, contains court rules, and the database, GA-ORDERS, serves as an electronic update to GA-RULES. *Georgia Rules of Court Annotated* is available on Lexis in the GARULE file of the Georgia library. Internet researchers can locate the Supreme Court Rules and Procedures and the Court of Appeals' Rules and Procedures on the Georgia Supreme Court site at <http://www.state.ga.us/Courts/Supreme> and, for a fee, on LOIS at <http://www.pita.com>. Court rules are available on most CD-ROM products. Because changes in court rules are the result of court proceedings, the recent changes in court rules can be found in the advance sheets of the *Georgia Reports*, the *South Eastern Reporter* and the *Georgia Cases*. It is possible to Shepardize court rules in the statutes' section of *Shepard's Georgia Citations*.

The Code of Professional Responsibility, as adopted and amended by the State Bar of Georgia and by order of the

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76. See GA. CONST. art. VI, § 1, ¶ 5.

77. See O.C.G.A. § 50-18-20(3) (1994).



Supreme Court of Georgia, is printed in the sources discussed above in court rules. Further, the provisions of the Code of Professional Responsibility and Standards of Conduct (Rule 4-102) are found in the annotated Appendix to Title 9 of the *Georgia Code Annotated* and in the *State Bar of Georgia Directory and Handbook*. You can shepardize the provisions of the Rules and Regulations of the State Bar, the Code of Professional Responsibility and the Code of Judicial Conduct by using the Georgia Court Rules section of *Shepard's Georgia Citations*.

The State Bar of Georgia issues advisory opinions, commonly called "ethics opinions."<sup>78</sup> The Formal Advisory Opinion Board drafts advisory opinions concerning a proper interpretation of the Canons of Ethics or any of the grounds for disciplinary action. The Board then submits a proposed advisory opinion to the Georgia Supreme Court, which, in turn, reviews it and issues a Formal Advisory Opinion. The Board designates proposed opinions by year and request number, for example, Proposed Advisory Op. No. 88-R13 (Ga. Formal Advisory Op. Bd.). Once the court issues the Formal Advisory Opinion, it is renumbered, for example, Ga. S. Ct. Formal Op. No. 90-1 (88-R13) (Oct. 26, 1990). The Board publishes proposed advisory opinions in the *Georgia Bar Journal*. Although the Supreme Court adopts these opinions, which are binding on lawyers, they are not published in any of the reporters. However, an "Ethics Notebook," published by the Institute of Continuing Legal Education of Georgia and titled the *State Bar of Georgia Handbook*, contains formal advisory opinions, in addition to rules of the State Bar and their panels and boards. Although this publication is available in looseleaf format, it is not current. Currently, the advisory opinions are published in the *State Bar of Georgia Directory and Handbook*. An Index to Ethics Decisions, but not the full text, is on the Georgia State Bar's web site at <http://www.gabar.org>.

### § 5.3 Case Law Reports

You can locate Georgia Supreme Court and Georgia Court of Appeals decisions in either the official reporters, the *Georgia Reports* and the *Georgia Appeals Reports*, the unofficial regional reporter, the *South Eastern Reporter*, or in the reprinted *Georgia*

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78. GA. ST. BAR R. 4-403.

*Cases.* Additionally, case law from Georgia is on WESTLAW in the GA-CS database and on LEXIS in the GA and APP files in the Georgia library. At present, both services provide Georgia Supreme Court decisions from either 1936 or 1937 to the present and Georgia Court of Appeals decisions from 1945 to the present. Internet searchers can find Supreme Court Calendars and case summaries (but not the full text) at <http://www.state.ga.us>. For a fee, Internet searchers can find cases from the supreme court and court of appeals from 1939 on LOIS Law Library at <http://www.pita.com> and back to 1995 on Versus (V) Law Library at <http://www.versuslaw.com>. Because a CD-ROM disc can hold hundreds of volumes, they are very popular with attorneys who do not have an existing library or are experiencing space difficulties. Darby's Georgia CD-ROM product titled *Georgia Law on CD-ROM* includes *Georgia Reports* and *Georgia Appeals Reports* back to 1950. Michie's Georgia CD-ROM product titled *Georgia Law on Disc* includes decisions of the Georgia Supreme Court (1937-) and Court of Appeals (1945-). The Georgia LawDesk contains more than forty years of Georgia Supreme Court and Court of Appeals opinions on a compact disc. Other products include West's *Georgia Cases* (Supreme Court cases 1936- and Court of Appeals 1945-) and LOIS CD-ROM with cases back to 1939. Harrison's CD-ROM titled *Code of Georgia Annotated, Cases and Forms on Disc* has case law from 1981 for both courts; however, future discs will include older cases. Since these CD-ROM products are becoming very popular, expect to see additional products from the various publishers.

#### § 5.4 Georgia Reports and Georgia Appeals Reports

Since the Georgia General Assembly directs the publication of the court reports, *Georgia Reports* and *Georgia Appeals Reports* are designated the "official" reporters of the state.<sup>79</sup> All the Georgia Supreme Court decisions are published in the *Georgia Reports*. The *Georgia Reports* transcribed the earliest decisions of the Georgia Supreme Court in 1846 and published those decisions in 1847.<sup>80</sup> Most of the Court of Appeals decisions are published in the *Georgia Appeals Reports* since 1907. The rules of the Court of Appeals of Georgia dictate the publication of

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79. See O.C.G.A. § 50-18-20 (1994).

80. See CHANIN & CASSIDY, *supra* note 2, at 69.

opinions for that court.<sup>81</sup> If the judges vote not to publish a decision, a list of the cases in which opinions were written but not officially reported is printed in the reporter. This list of cases will show the author of the opinions and those who concurred. Under the same court rules, no unreported opinion will be cited as a binding precedent of the court.<sup>82</sup> However, such opinion will establish the law of the particular case.<sup>83</sup>

Both the *Georgia Reports* and the *Georgia Appeals Reports* include the texts of the opinions without any synopses or headnotes. Without synopses or headnotes, you are limited to the text of the opinion without editorial assistance. Though there are no headnotes, for most cases, each legal issue is numbered within the actual text of the opinion. This numbering scheme is helpful for shepardizing an individual issue in the case.<sup>84</sup>

In the *Georgia Reports* and the *Georgia Appeals Reports*, cases are organized by date of decision. They provide the parallel citation to the *South Eastern Reporter*. Each volume includes a table of case names, a topical index, and a table of Code sections cited.

Both sets of the official reports share the same weekly advance sheet service, titled *Georgia Advance Sheets*. The volume and pagination of the advance sheets are identical to the hardbound *Georgia Reports* and *Georgia Appeals Reports*. Certiorari tables, also included in the advance sheets, list the applications to the Georgia Supreme Court for writ of certiorari. The cases are organized by case name under the following categories: denied, abandoned or withdrawn, pending, and granted. Each advance sheet also contains useful research information, including indexes, parallel tables, and new court rules. This useful information later appears in the bound volumes.

### § 5.5 West's South Eastern Reporter

Since 1887, opinions of the Georgia Supreme Court and the Georgia Court of Appeals are also printed in the *South Eastern Reporter*, published by the West Publishing Company. The reporter included only the Georgia Supreme Court opinions from

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81. See GA. CT. APP. R. 34.

82. See GA. CT. APP. R. 33(b).

83. See O.C.G.A. § 9-11-60(h) (1993).

84. See *infra* § 5.12 for information on *Shepard's Citations*.

1887 to 1907 when, at that point in time, the Georgia Court of Appeals decisions were added. The *South Eastern Reporter*, presently in its second series, is part of West's National Reporter System. The National Reporter System covers the appellate courts of all states and the District of Columbia. With the Georgia cases, the *South Eastern Reporter* includes appellate decisions from North Carolina, South Carolina, Virginia, and West Virginia.

The text of opinions reported officially and those reported unofficially are essentially the same. Unlike the Georgia official reporters, the editors at West provide supplementary editorial materials. Each case in the *South Eastern Reporter* includes a synopsis or brief description of the facts of the case, the name and holding of the lower court judge, the holding of the current appellate court, and the name of the judge writing the opinion. Additionally, the West editors decipher the legal issues from cases and summarize each issue in a headnote. Each headnote is numbered so you can use the headnotes as a table of contents to the case. These headnote numbers appear in brackets in the opinion's text, indicating which portions of the opinion are covered by a particular headnote. The topic and key number in a headnote can be used in the *Georgia Digest*, the *South Eastern Digest*, or in any West digest, to search for additional cases on the same topic. You also can search for the topic and key number on WESTLAW.

There are several tables that first appear in the advance sheets of the *South Eastern Reporter* and later in the bound volume, including Statutes Cited, Words and Phrases, and Key Number Digest. The table that you will use frequently is the Table of Cases Reported, listed by both plaintiff and defendant. The weekly advance sheet service provides new cases in addition to the useful tables.

### § 5.6 West's Georgia Cases

West's *Georgia Cases* is a compilation of Georgia cases reprinted from the pages of the *South Eastern Reporter*, 2d ed. It retains the same volume and pagination as the *South Eastern Reporter*, 2d ed. For those lawyers who concentrate on Georgia law, the *Georgia Cases* is the most convenient source of printed case law.

The weekly advance sheets of West's *Georgia Cases* contain certiorari tables listed by the *South Eastern* citation. The status tables show the disposition of a case. In petition for writ of certiorari filed to the United States Supreme Court, a citation to West's *Supreme Court Reporter* is given, but there is no indication of whether they granted or denied the writ. You must use *U.S. Law Week*, published by the Bureau of National Affairs, to learn the status of the writ.

### § 5.7 Current Case Law

Although the official and unofficial advance sheets are published weekly, it still takes several weeks, or even months, for an opinion to appear in print. To obtain opinions not yet included in advance sheets, contact the clerk's office of the appropriate court or, as an alternative, try WESTLAW or LEXIS. Further, the *Daily Report Opinions Weekly* in the *Fulton County Daily Report* is ahead of the advance sheets. It includes the full text of Georgia Supreme Court, the Georgia Court of Appeals, and civil jury verdicts throughout Georgia. This newspaper is the first printed source of opinions.

### § 5.8 Trial Level

The trial level cases are not reported in the Georgia reporters. However, *The Georgia Trial Reporter*,<sup>85</sup> since 1988, publishes a monthly summary of all available state court, superior court, and U.S. District Court civil jury trials in the Atlanta area that result in a verdict. Access to the reporter is by defendant, attorney, and subject matter. Information on trial courts' structure, procedures, or rules can be found at <http://www.state.ga.us/Courts/Supreme>.

### § 5.9 Parallel Citations

For documents submitted to the Georgia courts, the correct citation form, according to *The Bluebook: A Uniform System of Citation*, includes a cite to the official state reporter and to the regional reporter.<sup>86</sup> A correct citation would read, for example, *Ponder v. Williams*, 80 Ga. App. 145, 55 S.E.2d 668 (1949). If you

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85. Subscription available from Georgia Trial Reporter, 8351 Roswell Road, Suite 314, Atlanta, Georgia 30350.

86. See THE BLUEBOOK; A UNIFORM SYSTEM OF CITATION, R:10.3.1, P:3, T.1 (16th ed. 1996).

write a memo or brief for submission to a state court in Georgia and you cite a case from outside Georgia, such as North Carolina, cite only to the regional reporter with the court identification in parentheses, for example, *Woodson v. Bowland*, 407 S.E.2d 222 (N.C. 1991). For case citations in other forms of legal writing (law review articles, research papers), cite only to the appropriate regional reporter, for example, *Brannon v. Brannon*, 407 S.E.2d 748 (Ga. 1991).

There are several ways to find a parallel citation if you only know one citation. To expedite your search for a parallel citation, a case printed in a bound official reporter or in a West's reporter includes the parallel citation. Alternative sources, the *Georgia Blue and White Book* and the *National Reporter Blue Book*, both published by West, list conversion tables for parallel citations.

You also can find parallel citations by using either *Shepard's Georgia Citations* or *Shepard's South Eastern Citations*, either in print or by using the various WESTLAW (including the citator service KeyCite) and LEXIS cite checking services. If you know the name of the case, rather than the case citation, check the Table of Cases in the *Georgia Digest* or the *South Eastern Digest* and you will find the parallel citations.

### § 5.10 Finding Case Law

You can locate Georgia cases in several ways: (1) through the West's digests; (2) as references in legal periodicals, treatises, encyclopedias and A.L.R. annotations; (3) in annotations following the text of each statute in O.C.G.A. and Ga. Code Ann.; (4) on WESTLAW, LEXIS and LOIS; and (5) on CD-ROM products.

West's *Georgia Digest* is one way of finding a Georgia case by its subject. West's Georgia Digest is also available on CD-ROM. The 1st series covers 1792-1941 and the 2nd series covers 1942 to the present. Always begin with the most recent series and then continue to the earlier sequence. Unless you are doing an exhaustive search, you may not need to use the 1st series. The *Georgia Digest* presents references to published cases decided by the Georgia Supreme Court, the Georgia Court of Appeals, the United States District Courts in Georgia, cases arising from Georgia that result in opinions of the United States 11th Circuit Court of Appeals (5th Circuit Court of Appeals before October 1, 1981), and the United States Supreme Court. West organizes its

digests according to the West key number system. The cases in the digests are the headnote paragraphs from the cases in the *South Eastern Reporter*, rearranged according to subject. The paragraphs under each key number are arranged by jurisdiction with the federal levels given first followed by the Georgia Supreme Court and then the Georgia Court of Appeals. Under each jurisdiction, they list the cases in reverse chronological order.

Beginning your search in any of the West's digests with the Descriptive-Word Index (DWI) is wise. The DWI is a list of commonplace words that will lead you to the relevant topic and key number. When you are already familiar with the topic, you may want to bypass the DWI and go directly to the "Analysis" of the topic listed in the individual volumes.

When you know the name of the case but lack the citation, you have only to look in the Table of Cases in any West's digest to locate the appropriate citation. If you only know the defendant's name in a case, check the Defendant-Plaintiff Table in the *Georgia Digest*.

To update your search in the digest, check the pocket parts and supplementary pamphlets. If you are attempting to find very recent cases, search the key number digest or the case name index found in each volume and advance sheet of the *South Eastern Reporter* or the *Georgia Cases*. Once you know the topic and key number, you also can update your search on WESTLAW.

If you must expand your search for cases outside Georgia, you should search the *South Eastern Digest*. One of few regional digests still in existence, the *South Eastern Digest* includes appellate decisions from Georgia, South Carolina, North Carolina, Virginia, and West Virginia. Similar to the *Georgia Digest*, the *South Eastern Digest* is in two editions; the first edition covers cases decided before 1935 and the second edition from 1935 to the present. Unlike the *Georgia Digest*, the *South Eastern Digest* does not include federal cases, just state cases. If you want all cases from all jurisdictions, use the American Digest System, which consists of the *Decennial Digests* and the *General Digests*. You can use the identical key number from the *Georgia Digest* in the *South Eastern Digest* or in any of the West's digests.

### § 5.11 Secondary Sources

In addition to the digests and online sources, secondary materials, including legal periodicals, treatises, encyclopedias, and annotations include many useful citations to primary materials. Of particular interest to Georgia researchers is the new encyclopedia published by Lawyers Cooperative Publishing, *Georgia Jurisprudence*. The *Encyclopedia of Georgia Laws*, published by the Harrison Company, is also an excellent starting place for researching Georgia law. In the heavily footnoted articles in these encyclopedias, you can find discussion of topics, citations to cases, statutes, law review articles, opinions of the Georgia Attorney General, and other materials. Another multi-volume set published by Lawyers Cooperative Publishing, *Georgia Procedure* consists of units on civil procedure and criminal procedure and is authored by Georgia attorneys, judges, and law professors. Further, there are several helpful treatises listed in § 8.0, Topical Practice Books.

The *American Law Reports* (A.L.R.), published by Lawyers Cooperative, is often a good lead to finding state and federal cases. Each annotation in A.L.R. includes a discussion of a specific area of law and citations to the most notable cases. The most common approach for finding an annotation is through the Index to Annotations. A.L.R. is also available on LEXIS and WESTLAW.

### § 5.12 Case Citators

You must check your research to test the validity of any case. Further, you may need to check how later courts or other authorities have cited your case. To find out the history and subsequent treatment of a Georgia case, consult either *Shepard's Georgia Citations* or *Shepard's Southeastern Citations*. While both citators include Georgia law, you will obtain different information depending on which *Shepard's Citations* you use. Basically, you will obtain federal citations, A.L.R. citations, and selected legal treatises in either Shepard's citators. *Shepard's Southeastern Citations* lists both in-state and out-of-state cases, but no law reviews. On the other hand, *Shepard's Georgia Citations* lists Georgia cases, but no out-of-state cases, and selected law reviews. *Shepard's Georgia Citations* includes status information on certiorari to the Georgia and federal courts. To be



comprehensive, you should Shepardize by both the official and the regional citation.

Both the Georgia or Southeastern Shepard's organize the citations similarly. The first cites listed in parentheses are the parallel citations to the cited case. The parallel citation is given the first time the case appears in Shepard's. Following the parallel citation, there will be "history" citations. The history of the case is its direct procedural history. Next is a section of "treatment" cites, or how other cases have treated it. A final section provides cites to numerous cases and secondary sources that have cited your case.

Some citations will have a numerical superscript, to the left of the page number. The superscript numerals refer to the headnote number in the cited case. This feature will save considerable time if you are interested in a specific legal issue. Therefore, after reading the headnotes in the *South Eastern Reporter* or the numbered paragraphs in the text of the official reporters, you can focus on cases that deal with a specific issue. To use the headnote numbers correctly, you must Shepardize with the citation that corresponds to the reporter volume. In other words, to Shepardize a headnote from the *South Eastern Reporter*, use the *Southeastern Shepard's Citations*; to Shepardize an issue from the official reporters, use the *Georgia Shepard's Citations*. If the citing source has no superscript numerals, the cite is to the case as a whole.

When using *Shepard's Citations*, you must note that the volumes are not cumulative, so all applicable bound volumes and paper bound supplements must be checked. There are several methods to update your Shepard's search. One new printed publication, *Shepard's Georgia Express Citations* supplements the regular citator service. Both WESTLAW and LEXIS have several services that are more current than Shepard's. A new citator service, KeyCite on WESTLAW, is a comprehensive citator service that is as current as the WESTLAW database. If you have access to LEXIS, you can use a very current Shepard's online. Shepard's is also available on CD-ROM with a Shepard's Daily Update service link to the Internet (<http://www.shepards.com>). You can also "LOISize" your results by entering the cite on the Internet at <http://www.pita.com> or on CD-ROM and allowing LOIS to uncover subsequent treatment and history of your Georgia case.

## § 6.0 FILINGS AND FORMS

Fortunately, important filings are now available on WESTLAW, LEXIS, and the Internet. An online researcher can locate the Georgia Secretary of State Corporation information taken from corporate filings on LEXIS in the GAINC file in the Georgia library and the Secretary of State limited partnership information in the GALTP file. On WESTLAW, that same information can be found in the GA-CORP database. The Internet searcher can find the Secretary of State's records on <http://www.ganet.org>.

The Georgia tax assessor records and current deed transfers are on LEXIS in the GAOWN file. For the Georgia tax assessor records only, look in the GAPROP file. On WESTLAW, researchers can locate the TRW-REDI Real Property Data in the TRW-GAPROP database.

Either free or for a minimal cost, forms are available on the Internet at FindLaw (<http://www.findlaw.com>) and at Legaldocs (<http://www.legaldocs.com>). Georgia legal, business and litigation forms with links to complete forms using a word processor are available on CD-ROM from Georgia LawDesk (Thompson Company). In addition, the Harrison Company's CD-ROM product includes the complete set of forms as published in *Brown's Pleading, Practice and Legal Forms Annotated*. For a listing of other form books, see the subheading Form Books in § 8.0 Topical Practice Books.

## § 7.0 DIRECTORY OF GEORGIA CD-ROM PRODUCTS

Attorneys and non-lawyers alike use CD-ROM (compact-disc, read-only memory) technology to research Georgia primary law. A CD-ROM disc can hold scores of volumes. Like books, CD-ROMs are self-contained products. This means that the currency of the information on a disc is only as good as the last updated disc received. Most CD-ROM products have links to an online service to provide current materials. Specific CD-ROM titles have been discussed previously in this article in the context of research. The directory at the end of this Section can be used to compare the various CD products that are currently available.

Each of the CD-ROM products contains the full-text of primary source material. All of the products allow a researcher to find documents which match a term or phrase search request, much like the retrieval method used on WESTLAW and LEXIS. Using

CD-ROM products, an attorney has all the advantages of computerized research without incurring the cost of an online service. In addition, the researcher need not worry about communications issues (modem or Internet) when using the CD; however, most of these products use online services to update the discs. Another advantage of computerized research tools is flexibility with the data. Because the information is in electronic form, it is very easy to download, print, and extract parts of documents from the CD. Attorneys who use computerized research tools can transfer text directly from the CD into a word processor file.

The two search engines (software used to run the CDs) that have dominated the market for over five years are Folio and West's Premise. The product lines offered by vendors using these applications are extensive. LOIS's software, PITA, or "Professional Information Technology Access" is relatively new. The Law Office Information Systems (LOIS) company started collecting state legal materials in 1994 and now has 12 state CD products. In addition, the LOIS web site ([www.pita.com](http://www.pita.com)), as mentioned previously in this article, is a subscription service with access to full-text material. With this web site and the online connection to disc updates, called the "N-Line Connection," LOIS has found a way to rival WESTLAW and LEXIS.

As is evident in the directory, one representative sells both the West and the Lawyers Cooperative CD products. Both Lawyers Cooperative and West were acquired by the Thompson Corporation. Legal materials are now distributed under the name West Group. A third Georgia CD-ROM product, CaseBase, is also affected by this acquisition. Georgia CaseBase, previously published by Lawyers Cooperative, was distributed by the West Group until November 1997, at which time CaseBase customers were forced to switch to another CD-ROM product.

Lawyers Cooperative has been developing the "LawDesk" product line using the Folio software. West has succeeded in putting all fifty states (and a whole library of federal and general legal materials) on CD-ROM using Premise, a proprietary application. The West Group will continue to develop both products, giving customers a choice of Folio or Premise applications.

Both Lawyers Cooperative and West offer many other CD-ROM titles that run on Folio and Premise respectively. In addition to CD products that contain primary sources of Georgia

law, several CD titles contain secondary sources. In addition to the Georgia LawDesk of primary material, the Lawyers Cooperative LawDesk series includes the following titles: *Georgia Jurisprudence/Georgia Procedure on LawDesk*, *Georgia Forms: Legal and Business on LawDesk*, and *Georgia Litigation Forms and Analysis on LawDesk*. Another CD-ROM research tool is West's Georgia Digest on CD-ROM, which uses the Premise software.

The list below does not include pricing information; however, researchers can contact the publishers indicated for more information. All publishers offer technical support for the products over the telephone. Software is available for Windows 95, Windows 3.1, and DOS environments. In addition, all products can be used on a Macintosh computer, with the exception of Michie and Harrison.

<b>PUBLISHER:</b>	DARBY PRINTING COMPANY
<b>Name of Product:</b>	"Georgia Law on CD-ROM"
<b>Case Law:</b>	Supreme Court from 1950 (from official reporter) Court of Appeals from 1950 (from official reporter)
<b>Statutes:</b>	Code of 1981 (O.C.G.A.)
<b>Georgia Constitution:</b>	Yes
<b>Administrative Code:</b>	No
<b>Attorney General Op.:</b>	No
<b>Court Rules:</b>	Yes
<b>Session laws:</b>	No
<b>Additional Content:</b>	General Index, Popular Name Table, U.S. Constitution, "Bridge" to Shepard's CD, which can be run simultaneously.
<b>Search Engine:</b>	Folio
<b>Number of discs:</b>	1
<b>Replacement discs:</b>	bimonthly
<b>Online Connection:</b>	Darby BBS (bulletin board service)
<b>For more information:</b>	Darby Printing Company Subscriptions Department 6215 Purdue Drive Atlanta, GA 30336 404-344-2665 (ext. 228 or ext. 266), or 1-800-241-5292 Fax: 404-346-3332

Web address:  
http://www.darbyprinting.com

**PUBLISHER:** HARRISON COMPANY  
**Name of Product:** "Harrison's Code of Georgia Annotated, Cases & Forms on Disc"  
**Case Law:** Supreme Court from 1977 (from official reporter)  
 Court of Appeals from 1977 (from official reporter)  
**Statutes:** Code of Georgia Annotated (in O.C.G.A. order), with annotations  
**Georgia Constitution:** Yes  
**Administrative Code:** No  
**Attorney General Op.** No  
**Court Rules:** No  
**Session laws:** No  
**Additional Content:** U.S. Constitution, Ga. Code Ann. index, *Brown's Pleading, Practice and Legal Forms, 2d ed.* with index, Federal cases construing Georgia law, Advanced Annotation and Codification Services  
**Search Engine:** Folio  
**Number of discs:** 1  
**Replacement discs:** quarterly  
**Online Connection:** None  
**For more information:** The Harrison Company, Publishers  
 Sales Department  
 3110 Crossing Park  
 Norcross, GA 30091  
 770-447-9150 or 1-800-241-3561  
 Fax: 770-729-0265, 1-800-588-6840

**PUBLISHER:** LOIS (LAW OFFICE INFORMATION SYSTEMS, INC.)  
**Name of Product:** LOIS Professional Library: Georgia  
**Case Law:** Supreme Court from 1939 (from official reporter)  
 Court of Appeals from 1939 (from official reporter)  
**Statutes:** Code of 1981 (O.C.G.A.)  
**Georgia Constitution:** Yes  
**Administrative Code:** No

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**RESEARCHING GEORGIA LAW (1998 EDITION)**

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Attorney General Op.: No  
 Court Rules: Yes  
 Session laws: No, incorporated in the Code on October disc.  
 Additional Content: Table of Cases, Table of Statutes  
 Search Engine: PITA  
 Number of discs: 2  
 Replacement discs: quarterly  
 Online Connection: N-Line (Lois online service)  
 For more information: LOIS, Inc.  
                                  Georgia Sales Rep., Wade Berry  
                                  305 Drummen Court  
                                  Atlanta, GA 30328  
                                  770-394-3239 or 1-800-364-2512, ext. 783  
                                  OR  
                                  Law Office Information Systems, Inc.  
                                  (LOIS)  
                                  105 N. 28th Street  
                                  Van Buren, AR 72956  
                                  (501) 471-5581 or 1-800-364-2512  
                                  Fax: 501-471-5635  
                                  Web address: <http://www.pita.com>

**PUBLISHER:** THE MICHIE COMPANY  
**Name of Product:** "Michie's Georgia Law on Disc"  
**Case Law:** Supreme Court from 1937 (from official reporter)  
                          Court of Appeals from 1945 (from official reporter)  
**Statutes:** Official Code of Georgia Annotated (includes annotations)  
 Georgia Constitution: Yes  
 Administrative Code: Yes  
 Attorney General Op.: Yes, from 1976  
 Court Rules: Yes  
 Session laws: Yes, on October disc.  
 Additional Content: Code Index, Table of Cases  
 Search Engine: Folio  
 Number of discs: 2  
 Replacement discs: quarterly  
 Online Connection: Lexis

For more information: LLP Lexis Law Publishing (Michie Company)

Senior Sales Representative, Jim Shroyer

P.O. Box 2135

Kennesaw, GA 30144

770-592-8800 or 1-800-752-3472

OR

The Michie Company

P.O. Box 7587

Charlottesville, VA 22906-7587

(804) 972-7600 or 1-800-446-3410

Fax: 800-643-1280

Web address: <http://www.michie.com>

**PUBLISHER:** WEST GROUP

**Name of Product:** "Georgia Cases/Official Code of Georgia Annotated"

**Case Law:** Supreme Court from 1936 (from *Southeastern Reporter*)

Court of Appeals from 1945 (from *Southeastern Reporter*)

**Statutes:** Official Code of Georgia Annotated (includes annotations)

**Georgia Constitution:** Yes

**Administrative Code:** Yes

**Attorney General Op.:** Yes, from 1977

**Court Rules:** Yes

**Session laws:** Yes

**Additional Content:** Code Index, Table of Cases

**Search Engine:** Premise

**Number of discs:** 2

**Replacement discs:** quarterly

**Online Connection:** Westlaw

**For more information:** West Group

Regional Sales Manager, Dick Bowley

132 Colonnade Drive

Peachtree City, GA 30269

770-631-0113

OR

West Publishing

610 Opperman Drive

Eagan, MN 55123

1998]

## RESEARCHING GEORGIA LAW (1998 EDITION)

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(612) 687-7000 or 1-800-255-2549  
 Fax: 612-687-7302  
 Web address: <http://www.westpub.com>

**PUBLISHER:** WEST GROUP  
**Name of Product:** "Georgia LawDesk"  
**Case Law:** Supreme Court from 1937 (from *Southeastern Reporter*)  
 Court of Appeals from 1945 (from *Southeastern Reporter*)  
**Statutes:** Official Code of Georgia Annotated (includes annotations)  
**Georgia Constitution:** Yes  
**Administrative Code:** Yes  
**Attorney General Op.:** Yes, from 1977  
**Court Rules:** Yes  
**Session laws:** Yes  
**Additional Content:** U.S. Constitution  
**Search Engine:** Folio  
**Number of discs:** 2  
**Replacement discs:** quarterly  
**Online Connection:** Westlaw  
**For more information:** West Group  
 Regional Sales Manager, Dick Bowley  
 132 Colonnade Drive  
 Peachtree City, GA 30269  
 770-631-0113  
 OR  
 West Publishing  
 610 Opperman Drive  
 Eagan, MN 55123  
 (612) 687-7000 or 1-800-255-2549  
 Fax: 612-687-7302  
 Web address: <http://www.westpub.com>

## § 8.0 TOPICAL PRACTICE BOOKS

The Bench and Bar of Georgia are indeed fortunate to have authors such as Daniel, Adams, Pindar, Kaplan, Agnor, McConaughy, and other respected experts who provide valuable reference works. These books are the research starting point for specialists across the state and many have been cited in the Georgia appellate courts as authority on the subject. The



following current bibliography of Georgia practice material has been written primarily with practicing attorneys in mind. It may also be used as a selection guide for a public or private library.

This bibliography is selective, primarily because an exhaustive listing of Georgia practice materials would render the bibliography impractical. The purpose of this bibliography is to highlight the practice materials in Georgia which are well-organized, indexed, and updated. These works can be relied on for quick answers or for starting a research project. Program materials from the Institute of Continuing Legal Education, from Georgia State University, Center for Continuing Legal Education, and from the Professional Education Systems of Eau Claire, Wisconsin are not included. Handbooks written for court, county, and state officials, and books that are reprints of parts of the Georgia Code are not included.

The bibliography is arranged alphabetically by topic. Each entry contains the bibliographical information for the source. As an indication of currency, the bibliographic information includes the availability of annual pocket part supplements or looseleaf supplementation. Entries which begin with the \* symbol are new editions or new titles that have been published since the previous annotated bibliography published in the *Georgia State University Law Review* in 1993.<sup>87</sup>

The most prolific publisher of legal treatises in Georgia is the Harrison Company of Norcross, Georgia. In the late 1970s, Harrison began publishing a series of practice books sub-titled *The Law In Georgia*. Many of the books from that series have been expanded and/or updated to become valuable treatises for current research purposes. The prior editions of this series are often of historical value and may be located at large Georgia law libraries. In addition to over sixty titles published by the Harrison Company, the company has expanded to offer forms on diskette and a CD-ROM product with statutes, cases, and forms. Currently, Harrison offers forms on diskette for twenty-seven titles, which are indicated with the note "forms disk" in the bibliography.

A word about the Institute of Continuing Legal Education (ICLE) is necessary. ICLE, based in Athens, Georgia, is the

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87. Nancy P. Johnson & Nancy Adams Deel, *Researching Georgia Law*, 9 GA. ST. U. L. REV. 585 (1993).

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educational service of the State Bar of Georgia and a consortium of the Bar and the Law Schools of the University of Georgia, Emory, Mercer, and Georgia State. It publishes *Index to Publications*, which contains order information and several useful indexes. This index is recommended for the legal researcher who is looking for material on a subject not covered in this bibliography.

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Armitage, David M., and Robert C. Lewinson. *Georgia Commercial Financing Forms: Practice*. Charlottesville, Va.: Michie, 1995-. Note: 2 volume looseleaf set.

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- see also: Daniel, CRIMINAL LAW
- see also: Davis, PRACTICE & PROCEDURE
- see also: Ferreira, PRACTICE & PROCEDURE
- see also: Grove, REAL ESTATE
- see also: Jenkins, PRACTICE & PROCEDURE
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see also: EVIDENCE, JURY INSTRUCTIONS, and TORTS

\*Alston & Bird. *Handbook on Appellate Procedure in the Georgia Supreme Court and the Georgia Court of Appeals*, 3d ed. Athens, Ga.: Institute of Continuing Legal Education in Georgia, 1996.

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Falanga, Robert A. *Laying Foundations and Making Objections in Georgia*. Norcross, Ga.: Harrison, 1988 (annual pocket part).

\*Ferreira, Victoria C. *Forms for Pleading Under the Georgia Civil Practice Act*. Norcross, Ga.: Harrison, 1997 (annual paperback editions). Note: Reprint of Volume 2 of *Brown Georgia Pleading, Practice and Legal Forms Annotated*, 2d ed., forms disk.

\**Georgia Procedure*. Rochester, N.Y.: Lawyers Cooperative Pub., 1995 (annual pocket part). Note: Ten volume set.

- \*Gregory, Hardy. *Georgia Civil Practice*, 2d ed. Charlottesville, Va.: Lexis Law Publishing, 1997 (annual pocket part).
- Harris, Jr., Stanley E. *Georgia Handbook on Cross-examination*. Norcross, Ga.: Harrison, 1991 (pocket part supplement).
- \*Jenkins, A. Felton, and Ralph A. Pitts. *Georgia Civil Procedure Forms*. Charlottesville, Va.: Michie, 1994-. Note: 2 volume looseleaf set.
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- \*Ruskell, Richard C. *Davis and Shulman's Georgia Practice and Procedure*. Norcross, Ga.: Harrison, 1997 (annual paperback editions).
- Sheppard, Charles R. *Davis' Handbook on Georgia Practice: With Forms*, 3d ed. Norcross, Ga.: Harrison, 1992. Note: forms disk.

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- Owens, Davies. *Attorney's Fees and Costs: The Law in Georgia*. Norcross, Ga.: Harrison, 1983 (pocket part supplement).

## PROBATE &amp; ADMINISTRATION OF ESTATES

see also: FUTURE INTERESTS

- \*Levy, Bertram L., and Benjamin T. White. *Georgia Estate Planning, Will Drafting, and Estate Administration Forms: Practice*. Charlottesville, Va.: Michie, 1995-. Note: Two volume looseleaf set.
- \*Love, Sarajane. *Comparative Treatment Edition, showing the effect of the Revised Probate Code*. Norcross, Ga.: Harrison, 1996 (annual pocket part). Note: Companion volume to *Redfearn*, below.
- Love, Sarajane. *Wills and Administration in Georgia: Including Estate Planning, Guardian and Ward, Trusts, and Forms* by Daniel Redfearn, 5th ed. Norcross, Ga.: Harrison, 1988 (annual pocket part). Note: Four volume set; forms disk.

- \*Wise, Teresa E. *Georgia Probate and Administration: With Forms*, 2d ed. Norcross, Ga.: Harrison, 1994 (pocket part supplement). Note: forms disk.

#### PROCESS & SERVICE

- \*Weltner, II, Philip, and Charles Longstreet Weltner. *Georgia Process and Service: With Forms*, 4th ed. Norcross, Ga.: Harrison, 1993 (annual pocket part). Note: forms disk.

#### PRODUCTS LIABILITY

- \*Maleski, David J. *Georgia Products Liability*, 2d ed. Norcross, Ga.: Harrison, 1993 (pocket part supplement).

#### REAL ESTATE

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- Alexander, Frank S. *Georgia Real Estate Foreclosure Law: With Forms*. Norcross, Ga.: Harrison, 1990 (annual pocket part). Note: forms disk.

Cadle, Farris W. *Georgia Land Surveying History and Law*. Athens, Ga.: University of Georgia Press, 1991.

- \*Grove, Jr., Russell S., Deborah E. Glass, and Bruce P. Cohen. *Georgia Real Estate Forms: Practice*. Charlottesville, Va.: Michie, 1996- . Note: Three volume looseleaf set.

- \*Hinkel, Daniel F. *Georgia Construction Mechanics' and Materialmen's Liens: With Forms*, 2d ed. Norcross, Ga.: Harrison, 1994 (annual pocket part). Note: forms disk.

- \*Hinkel, Daniel F. *Georgia Real Estate Title Examinations and Closings: Including Drafting of Sales Contracts: With Forms*, 2d ed. Norcross, Ga.: Harrison, 1996 (annual pocket part). Note: forms disk.

- \*Pindar, George A., and Georgine S. Pindar. *Georgia Real Estate Sales Contracts*, 4th ed. Norcross, Ga.: Harrison, 1994 (annual pocket part). Note: forms disk.

- \*Pindar, George A. and Georgine S. Pindar. *Georgia Real Estate Law and Procedure: With Forms*, 4th ed. Norcross, Ga.: Harrison, 1993 (annual pocket part). Note: Two volume set; forms disk.

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see also: Jenkins, INSURANCE

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Kates, Robert C. *Georgia Water Law*. Athens, Ga.: Institute of Government, University of Georgia, 1969.

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## WORKERS' COMPENSATION

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#### WRONGFUL DEATH

Cleary, Robert E. *Eldridge's Georgia Wrongful Death Actions:  
With Forms*, 2d ed. Norcross, Ga.: Harrison, 1992 (annual  
pocket part). Note: forms disk.

APPENDIX  
GEORGIA ONLINE RESOURCES  
PRIMARY SOURCES

	LEXIS Georgia Library	WESTLAW	INTERNET
<b>COURTS/BAR:</b>			
Atty. Gen. Ops.	GAAG 1976-	GA-AG 1977-	www.ganet.org
Court of Appeals	APP 1945-	GA-CS 1945-	
Court Rules	GARULE current	GA-RULES current	www.state.ga.us/Courts/ Supreme
Ethics Dec. Index	N/A	N/A	www.gabar.org
Jury Verdicts/ Lawsuits	GAJURY 1988-	GA-LS current	
S. Ct. Calendar			www.state.ga.us/Courts/ Supreme
Supreme Court Opinions	GA 1937-	GA-CS 1936-	www.state.ga.us (summaries only)
<b>LEGISLATIVE:</b>			
Atlanta and Counties Ordinances			www.municode.com
Bills	GABILL current	GA-BILLTXT current	www.ganet.org www.state.ga.us
Bill Tracking	GATRCK current	GA-BILLTRK current	www.state.ga.us
Constitution	GACNST current	GA-ST-ANN current	www.law.emory.edu/ GEORGIA
Legislative Service	GAALS current	GA-LEGIS 1990-	
O.C.G.A.	CODE current	GA-ST-ANN 1988-	www.ganet.org

<b>ADMIN/FILINGS:</b>			
Admin. Code	GAADMIN current	GA-ADC current	www.ganet.org
Bankruptcy		GA-BKR current	
Environmental Dec.	GAENV 1975-	GA-ENV 1977-	
Forms			www.findlaw.com www.legaldocs.com
Gov.'s Executive Orders			www.ganet.org
Incorporation & Ltd. Partnership Records	GASOS current	GA-CORP current	www.sos.state.ga.us www.ganet.org
Insurance	INSRLW current	GA-INSUR current	
Property Records/ Liens	GAOWN GAPROP current	GA-LJ current	
Public Util. Rep.	GAPUR 1989-	GA-PUR 1953-	
Regulation Tracking	GARGTR 1990-	GA-REGTRK current	
Revenue	GATAX current		
Securities	GASEC 1973-		
Tax Forms			www.state.ga.us/Depart- ments/ DOR/gaforms/index.htm
UCC		GA-UCC current	

## TOTAL INTERNET LEGAL LIBRARIES BY SUBSCRIPTION

<b>TITLE</b>	<b>INTERNET</b>
LOIS	www.pita.com
Versus Law (V.)	www.versuslaw.com

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## SECONDARY SOURCES

	LEXIS	WESTLAW	INTERNET
Atlanta Journal/Const.	NEWS AJC 1991-	ATLNTAJC 1989-	<a href="http://www.stacks.ajc.com">www.stacks.ajc.com</a>
Emory Law Journal	LAWREV EMORY 1982-	EMORYLJ 1982-	
Fulton County Daily Rep.	NEWS FULTON 1996-	N/A	
Georgia Law Review	LAWREV GALRV 1982-	GALR 1981-	
Georgia State U. Law Rev.	N/A	GASTULR full, 1993-	
Martindale-Hubbell	GADIR current	N/A	<a href="http://www.martindale.com">www.martindale.com</a>
Mercer	LAWREV MERCER	MERLR	
Shepard's Citations	Shepards	Shepards	<a href="http://www.shepards.com">www.shepards.com</a>
West's Legal Dir.	N/A	WLD-GA current	<a href="http://www.wld.com">www.wld.com</a>